

# **EXHIBIT A**

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FILE  
San Francisco County Superior Court

MAR 6 - 2018

CLERK OF THE COURT  
BY: *[Signature]* Deputy Clerk



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

COORDINATION PROCEEDING  
SPECIAL TITLE [RULE 3.550]

*California North Bay Fire Cases*

Judicial Council Coordination  
Proceeding No.: 4955

**CASE MANAGEMENT ORDER NO. 1**

I conducted a case management conference (CMC) February 27, 2018.<sup>1</sup>

There are five groups in this litigation: 1) Individual Plaintiffs, which include cases brought on behalf of persons and business entities; 2) Public Entity Plaintiffs; 3) Class Action Plaintiffs (together with the Individual Plaintiffs and the Public Entity Plaintiffs the "Direct Action Plaintiffs"); 4) Subrogation Plaintiffs; and 5) Defendants.

**ORGANIZATION OF PLAINTIFFS' COUNSEL**

**A. Individual Plaintiffs**

**1. Lead Counsel for Individual Plaintiffs**

The Court appoints the following lawyers as Individual Plaintiffs' Lead Counsel for those cases:

Michael A. Kelly  
Walkup, Melodia, Kelly & Schoenberger  
650 California Street, 26th Floor  
San Francisco, CA 94108  
Tel: (415) 981-7210

<sup>1</sup> The Department's User Manual may be found at <<http://sfsuperiorcourt.org/divisions/civil/litigation>>

mkelly@walkuplawoffice.com

Frank Pitre  
Cotchett, Pitre & McCarthy, LLP  
840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
Tel: (650) 697-6000  
[fpitre@cpmlegal.com](mailto:fpitre@cpmlegal.com)

Bill Robins, III  
Robins Cloud LLP  
808 Wilshire Boulevard, Suite 450  
Santa Monica, CA 90401  
Tel.: (310) 929-4200  
[robins@robinscloud.com](mailto:robins@robinscloud.com)

10 Lead Counsel for Individual Plaintiffs shall be members of, as well as authorize and  
11 direct the work of the Plaintiffs' Executive Committee and Individual Plaintiffs' Steering  
12 Committee for cases involving Individual Plaintiffs. Individual Plaintiffs' Lead Counsel shall  
13 also be responsible for coordinating the activities of the Direct Action Plaintiffs during pretrial  
14 proceedings, and in consultation and with the assistance of the Plaintiffs' Executive Committee,  
15 shall:

- a. Appear before the Court and present the position of Individual Plaintiffs at all Case Management Conferences, Status Conferences, or other court ordered hearings;
- b. Direct and coordinate the briefing and argument of all motions directed at or brought by Direct Action Plaintiffs generally;
- c. Direct and coordinate the filing of opposing briefs and argue motions in proceedings initiated by other parties against Direct Action Plaintiffs' interests (except as to matters directed to specific individual plaintiffs and their counsel or a specific Plaintiff group);
- d. Initiate and coordinate all discovery proceedings on behalf of Direct Action Plaintiffs, including propounded general liability written discovery,

document production discovery and the taking of oral depositions;<sup>2</sup>

- e. Manage the selection of all cases for trial setting;
- f. Coordinate the initiation of, and conduct discovery on behalf of Direct Action Plaintiffs consistent with the requirements of the California Code of Civil Procedure and Rules of Court or any order of this Court;
- g. Assign work for the investigation and discovery of common liability and damages matters for all Direct Action Plaintiffs' counsel, and delegate specific tasks to other Direct Action Plaintiffs' counsel, in a manner to ensure that pretrial preparation for Individual Plaintiffs is conducted effectively, efficiently and economically;
- h. Enter into stipulations, on behalf of Direct Action Plaintiffs, with opposing counsel as necessary for the conduct of the litigation;
- i. Prepare and distribute to other Individual Plaintiffs' counsel periodic status reports;
- j. Perform such other duties as may be necessary to the representation of Individual Plaintiffs, proper coordination of Individual Plaintiffs' activities or authorized by order of the Court; and
- k. Submit, if appropriate, additional Individual Plaintiffs' committees and counsel for designation by the Court.

## 2. Individual Plaintiffs' Liaison Counsel

The Court appoints the following lawyers as Individual Plaintiffs' Liaison Counsel:

**Khaldoun A. Baghdadi**  
Walkup, Melodia, Kelly & Schoenberger  
650 California Street, 26th Floor  
San Francisco, CA 94108  
Tel: (415) 981-7210  
[kbaghdadi@walkuplawoffice.com](mailto:kbaghdadi@walkuplawoffice.com)

<sup>2</sup> Discovery initiated by Defendants directed to specific individual plaintiffs shall be handled by the attorney for those specific individuals.

1  
2                   Amy Eskin  
3                   Levin Simes LLP  
4                   44 Montgomery Street, Floor 32  
5                   San Francisco, CA 94104  
6                   Tel: (415) 426-3000  
7                   [aeskin@levinsimes.com](mailto:aeskin@levinsimes.com)

8  
9  
10                  Steven J. Skikos  
11                  Skikos, Crawford, Skikos & Joseph, LLP  
12                  One Sansome Street, Suite 2830  
13                  San Francisco, CA 94104  
14                  Tel: (415) 546-7300  
15                  [sskikos@skikos.com](mailto:sskikos@skikos.com)

16                  Liaison Counsel shall be members of the Plaintiffs' Executive Committee and have the  
17                  following responsibilities:

- 18                  a.       Upon the designation of Individual Plaintiffs' Lead Counsel, appear before  
19                  the Court and present the position of Individual Plaintiffs at all Case  
20                  Management Conferences, Status Conferences, or other court ordered  
21                  hearings;
- 22                  b.       To make available to the Court, to counsel for Individual Plaintiffs, and to  
23                  counsel for Defendants an up-to-date comprehensive Service List of all  
24                  Individual Plaintiffs' counsel (including the date of the most recent  
25                  revision);
- 26                  c.       To receive and distribute to Individual Plaintiffs' counsel as appropriate,  
27                  orders, notices and correspondence from the Court;
- 28                  d.       To maintain and make available to other Individual Plaintiffs, on  
29                  reasonable notice and at reasonable times, a complete set of all filed  
30                  pleadings and orders filed and/or served in these coordinated proceedings;  
31                  and
- 32                  e.       To coordinate the filing of notices and papers by any Individual Plaintiff,  
33                  including the designation of responsibilities to encourage the filing of a

single set of papers by the Individual Plaintiffs in situations where the Individual Plaintiffs have a common position.

### 3. Individual Plaintiffs' Executive Committee

The Court appoints the lawyers and firms identified in Addendum A to the Individual Plaintiffs' Executive Committee. Individual Plaintiffs' Executive Committee shall have the following responsibilities with respect to matters of common concern to all Individual Plaintiffs:

- a. Coordination of Individual Plaintiffs' pretrial activities and work performed by the Individual Plaintiffs' lead counsel and liaison counsel;
- b. Calling meetings of Individual Plaintiffs' counsel when appropriate and to consult with Individual Plaintiffs' counsel on matters of common concern;
- c. Designating additional Individual Plaintiffs' subcommittees to perform services on behalf of Individual Plaintiffs and designate additional Individual Plaintiffs' counsel to serve on such subcommittees; and
- d. When appropriate, chairing and organizing Individual Plaintiffs' subcommittees as necessary to address specific issues of concern to claims of Individual Plaintiffs, Subrogation Plaintiffs, Government Plaintiffs and Class Plaintiffs.

#### 4. Individual Plaintiffs' Steering Committee

The Court appoints the lawyers and firms identified in Addendum B to the Individual Plaintiffs' Steering Committee. The Individual Plaintiffs' Steering Committee shall have the following responsibilities with respect to matters of common concern to all Individual Plaintiffs:

a. To meet, strategize, and provide guidance to Individual Plaintiffs' Lead Counsel, Liaison Counsel, and Executive Committee with respect to the

direction of Individual Plaintiffs' pretrial activities and overall litigation strategy;

- b. To provide recommendations concerning the execution of Individual Plaintiffs' pretrial activities and work performed by the Individual Plaintiffs' lead counsel and liaison counsel, including the drafting of motions and opposing briefs and taking of depositions;
- c. To call meetings of Individual Plaintiffs' counsel when appropriate and to consult with Individual Plaintiffs' counsel on matters of common concern; and
- d. Serve on additional Individual Plaintiffs' subcommittees to perform services on behalf of Individual Plaintiffs and designate additional Individual Plaintiffs' counsel to serve on such subcommittees.

## **B. Public Entity Plaintiffs**

The Court appoints the following lawyer as Lead Counsel:

Scott Summy  
Baron & Budd, P.C.  
3102 Oak Lawn Ave #1100  
Dallas, TX 75219  
Tel: (214) 521-3605  
[ssummy@baronbudd.com](mailto:ssummy@baronbudd.com)

Public Entities' Lead Counsel shall be responsible for responding to discovery, briefing, and argument of issues that are specific to the Public Entity cases. Public Entities' Lead Counsel shall maintain a current listing of all filed Public Entity cases and identify same for the Executive Plaintiffs Committee, Defendants and the Court. Counsel in any Public Entity cases shall cooperate with the Lead Counsel for Individual Plaintiffs, Public Entities' Lead Counsel and the Court in the production of information necessary to prepare for any status conference or in the scheduling of any discovery, or hearing.

1                   **C. Class Action Plaintiffs**

2                   The Class Action committee will be formed and the Committee Chairs are identified  
3                   below:

4                   Elizabeth Cabraser  
5                   Lexi Hazam  
6                   Lieff Cabraser Heimann & Bernstein, LLP  
7                   275 Battery Street, 29th Floor  
8                   San Francisco, CA 94111-3339  
9                   Tel: (415) 956-1000  
10                  ecabraser@lchb.com  
11                  lhazam@lchb.com

12                  The Committee shall be responsible for the prosecution and management of the class  
13                  actions, including discovery, briefing, and argument of issues that are specific to the class cases.  
14                  The Committee shall maintain a current listing of all filed class action cases and identify same  
15                  for Lead Counsel for Individual Plaintiffs, Defendants and the Court. Counsel in any Class  
16                  Action case shall cooperate with the Committee, Lead Counsel for Individual Plaintiffs and the  
17                  Court in the production of information necessary to prepare for any status conference or in the  
18                  scheduling of any discovery, or hearing. The Committee should evaluate consolidated  
19                  complaints and certification hearings, and report in the next CMC statement its views on the  
20                  timing of these. While there is no stay of class related discovery, the Committee expects that the  
21                  liability discovery described below will be used for certification briefing.

22                   **D. Subrogation Plaintiffs**

23                  The Court appoints the following lawyers as Lead Counsel and Liaison Counsel for the  
24                  Subrogation Plaintiffs and the Executive Committee for Subrogation Plaintiffs. They have the  
25                  same duties/responsibilities within/to the Subrogation Plaintiffs group as the lawyers serving as  
26                  Lead Counsel and Liaison Counsel and the Executive Committee for the Individual Plaintiffs:

1           **1. Lead Counsel for Subrogation Plaintiffs<sup>3</sup>**

2           Shawn Caine  
3           The Law Offices of Shawn E. Caine  
4           1221 Camino Del Mar  
5           Del Mar, CA 92014  
6           Tel: (619) 838-1365  
7           scaine@cainelaw.com

8           Mark Grotefeld  
9           Grotefeld Hoffmann  
10          Shepard Mountain Plaza  
11          6034 West Courtyard Drive, Suite 200  
12          Austin, TX 78730  
13          Tel: (737) 226-5310  
14          mgrotefeld@ghlaw-lp.com

15          Howard Maycon  
16          Cozen O'Connor  
17          601 S. Figueroa Street, Suite 3700  
18          Los Angeles, CA 90017  
19          Tel: (213) 892-7900  
20          hmaycon@cozen.com

21          Maura Walsh Ochoa  
22          Grotefeld Hoffmann  
23          700 Larkspur Landing Circle, Suite 280  
24          Larkspur, California 94939  
25          Tel: (415) 344-9670  
26          mochoa@ghlaw-lp.com

27          Craig Simon  
28          Berger Kahn, A Law Corporation  
29          1 Park Plaza, Suite 340  
30          Irvine, CA 92614  
31          Tel: (949) 748-4444  
32          csimon@bergerkahn.com

33          Lead Counsel for Subrogation Plaintiffs shall be responsible for discovery, briefing, and  
34          argument of issues that are specific to the Subrogation cases. Lead Counsel for the Subrogation  
35          Plaintiffs shall maintain a current listing of all filed Subrogation cases and identify same for  
36          Lead Counsel for Individual Plaintiffs, Defendants and the Court. Counsel in any Subrogation  
37          cases shall cooperate with Lead Counsel for the Subrogation Plaintiffs, Subrogation Plaintiffs'  
38          Executive Committee and the Court in the production of information necessary to prepare for

39          <sup>3</sup> The rights and obligations of Lead Counsel for Subrogation Plaintiffs mirror the rights and obligations of Lead  
40          Counsel for Individual Plaintiffs.

1 any status conference or in the scheduling of any discovery, or hearing.  
2

3           **2. Liaison Counsel for Subrogation Plaintiffs**

4           Alan Jang  
5           Jang & Associates  
6           1766 Lacassie Avenue, Suite 200  
7           Walnut Creek, CA 94596  
8           Tel: (925) 937-1400  
9           [ajang@janglit.com](mailto:ajang@janglit.com)

10           Scott Loewe  
11           Bauman Loewe Witt & Maxwell, PLLC  
12           8765 East Bell Road, Suite 210  
13           Scottsdale, Arizona 85260  
14           Tel: (480) 502-4664  
15           [sloewe@blwmlawfirm.com](mailto:sloewe@blwmlawfirm.com)

16           Waylon Pickett  
17           Grotefeld Hoffmann  
18           0324 SW Abernethy Street  
19           Portland, Oregon 97239  
20           Tel: (503) 384-2772  
21           [wpickett@ghlaw-llp.com](mailto:wpickett@ghlaw-llp.com)

22           **3. Subrogation Plaintiffs' Executive Committee**

23           Mark Bauman  
24           Bauman Loewe Witt & Maxwell, PLLC  
25           8765 East Bell Road, Suite 210  
26           Scottsdale, Arizona 85260  
27           Tel: (480) 502-4664  
28           [mbauman@blwmlawfirm.com](mailto:mbauman@blwmlawfirm.com)

29           Kevin Bush  
30           Cozen O'Connor  
31           601 S. Figueroa Street, Suite 3700  
32           Los Angeles, CA 90017  
33           Tel: (213) 892-7900  
34           [kbush@cozen.com](mailto:kbush@cozen.com)

35           Tim Cary  
36           Stutman Law  
37           1260 Corona Pointe Ct., Suite 306  
38           Corona, CA 92879  
39           Tel: (951) 963-1298  
40           [caryt@stutmanlaw.com](mailto:caryt@stutmanlaw.com)

41           Eric Schroeder  
42           Schroeder Loscotoff

7410 Greenhaven Dr., Ste. 200  
Sacramento, CA 95831  
Tel: (916) 438-8306  
[emschroeder@calsubro.com](mailto:emschroeder@calsubro.com)

## II. DEFENDANTS' COUNSEL

Defendants are represented by Cravath, Swaine & Moore LLP, Wilson Sonsini Goodrich & Rosati and Clarence Dyer & Cohen LLP.

Evan R. Chesler,  
Timothy G. Cameron  
Kevin J. Orsini  
Damaris Hernandez  
Cravath, Swaine & Moore LLP  
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New York, New York 10019  
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[korsini@cravath.com](mailto:korsini@cravath.com)  
[dhernandez@cravath.com](mailto:dhernandez@cravath.com)

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**Kate Dyer**  
**Clarence Dyer & Cohen LLP**  
**899 Ellis Street**  
**San Francisco, California 94109**  
**Tel: (415) 749-1800**  
**kdyer@clarencedyer.com**

1 **JURISDICTION AND WAIVER OF SERVICE OF PROCESS**

2       The parties agree that this court has jurisdiction over the parties and that there are no  
3 challenges to personal or subject matter jurisdiction. The parties have met and conferred and  
4 Defendants have agreed to waive service of process in cases filed in JCCP No. 4955 in which  
5 they are named. For such cases, Plaintiffs shall send the Notice of Adoption of Short Form  
6 Complaint and Short Form Complaint by email to the following individuals, Kevin J. Orsini  
7 ([korsini@cravath.com](mailto:korsini@cravath.com)), Brittany L. Sukiennik, ([bsukennik@cravath.com](mailto:bsukennik@cravath.com)), Keith E. Eggleton  
8 ([keggleton@wsgr.com](mailto:keggleton@wsgr.com)), and Rodney Strickland ([rstrickland@wsgr.com](mailto:rstrickland@wsgr.com)) or by U.S. Mail to:

9                   Kevin J. Orsini  
10                   Brittany L. Sukiennik  
11                   Cravath, Swaine & Moore LLP  
12                   Worldwide Plaza  
13                   825 8th Avenue  
14                   New York, New York 10019-7475

15                   Keith E. Eggleton  
16                   Rodney G. Strickland  
17                   Wilson Sonsini Goodrich & Rosati, EC  
18                   650 Page Mill Road  
19                   Palo Alto, California 94304

20       The parties agree that complying with these provisions shall constitute personal service of  
21 process under the California Code of Civil Procedure.

22                   **A. Master Pleadings**

23       The parties agree that a Master Complaint for Individual Plaintiffs, a Master Complaint  
24 for Subrogation Plaintiffs and a Master Complaint for the Public Entity Plaintiffs shall be lodged  
25 with the Court. Corresponding Master Answers for Defendants in response to each of the three  
26 Master Complaints shall govern the pleadings for those actions.<sup>4</sup> Drafts of the applicable Master  
27 Complaints for the Individual Plaintiffs, Public Entity Plaintiffs and Subrogation Plaintiffs are  
being exchanged and will be presented to the Court.

<sup>4</sup> Subsections B, C and D do not apply to the Class Action Plaintiffs.

1                   **B. Challenges to Master Pleadings**

2                   The parties anticipate a single challenge to the Master Complaints concerning the  
3                   applicability of inverse condemnation to a private utility.

4                   Defendants will file that challenge on March 16, 2018. The Individual Plaintiffs' Lead  
5                   Counsel (on behalf of the Direct Action Plaintiffs) and the Subrogation Plaintiffs' Lead Counsel  
6                   shall each file their opposition no later than April 16, 2018. Defendants will file a single reply to  
7                   both oppositions, which shall not exceed 20 pages, by April 30, 2018. The hearing is set for **May  
8                   18, 2018 at 9:00 a.m.**

9                   **C. Notice of Adoption of Master Complaint and Master Answer**

10                  The parties will meet and confer regarding the Notice of Adoption of Master Complaint,  
11                  and Notice of Potential Add-On Cases and Request for Coordination. Plaintiffs will provide  
12                  Defendants the applicable documents for review and submission to the Court. The Master  
13                  Complaints shall be filed no later than March 12, 2018. The Master Answers shall be filed no  
14                  later than March 16, 2018. The Master Complaints and the Master Answers will not be verified.

15                  **1. Notice of Adoption of Master Complaint**

16                  Each Direct Action Plaintiff or Subrogation Plaintiff with a case already on file in JCCP  
17                  No. 4955 shall serve on their respective Lead Counsel a Notice of Adoption of Master Complaint  
18                  within 30 days of the date the Master Complaint is filed. The Notice of Adoption shall contain  
19                  the following information: 1) the name and address of each plaintiff; 2) the fire(s) by which each  
20                  plaintiff was allegedly harmed;<sup>5</sup> 3) the causes of action each plaintiff is joining and against  
21                  which defendant(s) they are pled; and 4) the categories of damages allegedly incurred by each  
22                  plaintiff and for which that plaintiff is seeking recovery and from which defendant(s).

23                  For existing Individual Plaintiffs, the filing of a Notice of Adoption of Master Complaint

24  
25  
26  
27                  <sup>5</sup> Counsel are to agree on a naming convention for the fires.

1 shall not require the payment of an additional filing fee or a new case number. Each Notice of  
2 Adoption shall constitute an amended complaint for all purposes. Upon filing the Notice of  
3 Adoption, the Master Complaint, as amended by the Plaintiff's Notice of Adoption, shall be the  
4 operative pleading. The date on which the Master Complaint is filed shall have no bearing on  
5 whether any Plaintiff has satisfied the applicable statute of limitations. Rather, the date on which  
6 an individual Plaintiff's properly filed original complaint initiating his or her action was filed  
7 shall be the operative date for statute of limitations purposes.  
8

9 For cases naming more than one Plaintiff, except those naming a derivative Plaintiff (e.g.,  
10 an heir asserting a wrongful death claim) each Plaintiff must file an individual Notice of  
11 Adoption.<sup>6</sup>

12 **2. Notice of Adoption of Master Answer**

14 The Defendants' Notice of Adoption of Master Answer must be filed within 30 days of  
15 the filing of Plaintiffs' Notice of Adoption of Master Complaint. All responses pled in PG&E's  
16 Master Answer will be deemed pled in any previously filed Complaint and Responsive Pleading  
17 now pending in this JCCP proceeding, and in any Notice of Adoption filed thereafter.

19 **3. Cases to Be Filed**

21 Plaintiffs who have not yet filed an action will initiate an action by Filing a Short Form  
22 Complaint and Notice of Adoption of Master Complaint, in a proper venue in California. As  
23 indicated above, the Notice of Adoption shall contain the following information: 1) the name and  
24 address of each plaintiff; 2) the fire(s) by which each plaintiff was allegedly harmed; 3) the  
25 causes of action each plaintiff is joining and against which defendant(s) they are pled; and 4) the  
26 categories of damages allegedly incurred by each plaintiff and for which that plaintiff is seeking  
27 recovery and from which defendant(s).

<sup>6</sup> Members of a single household need only file one notice of adoption.

Upon that filing, the Master Complaint, as Amended by the Notice of Adoption, shall be the operative pleading. The date on which the Master Complaint is filed shall have no bearing on whether any Plaintiff has satisfied any applicable statute of limitations. Rather, the later date on which an individual Plaintiff properly filed the Short Form Complaint or Notice of Adoption initiating his or her action shall be the operative date for statute of limitations purposes. For any future case filed, the Plaintiff must include a civil cover sheet identifying this JCCP (California North Bay Fire Cases, JCCP No. 4955).

**D. Adding Cases into These Coordinated Proceedings**

Add-on cases may be handled by stipulation of all parties or by petition of Defendants consistent with the procedures and requirements of CRC 3.531 and C.C.P. § 404.4.

## E. Cross-Complaints

The parties agree that Defendants may or may not file cross-complaints as they choose.

However, if a cross-complaint is not filed at the time Defendants file the Master Answers, but instead is filed by an existing Defendant at a later date, by whatever means or procedure, such later filing will not, absent good cause or as otherwise provided by the Code of Civil Procedure, constitute cause for delay of any then-existing trial date or trial.

## Discovery Phases

The parties have agreed to stage discovery. Stage One relates to: 1) liability discovery; and 2) damages discovery from Individual Plaintiffs, Public Entity Plaintiffs and Subrogation Plaintiffs. Stage Two relates to expert discovery on issues of both liability and damages and will be subject to further order of this Court.

1                   **Stage One: Liability Discovery**

2                   **1. By Direct Action and Subrogation Plaintiffs.**

3                   Liability discovery shall be conducted as directed by Lead Counsel for the Individual  
4                   Plaintiffs and Lead Counsel for Subrogation Plaintiffs. Lead Counsel for Individual Plaintiffs  
5                   have informed counsel for PG&E regarding the initial round of liability discovery that includes:  
6                   a set of initial Requests for Admission to elicit whether PG&E is contesting causation on the  
7                   origin of each of the North Bay Fires; a Deposition notice for the person most qualified at PG&E  
8                   on the general topics of how the company stores, accesses, exchanges and retrieves data on  
9                   vegetation management and electrical infrastructure; and a request for inspection and/or  
10                  production of photographs or recordings of any item of physical evidence related to PG&E  
11                  equipment or vegetation inspected as a potential cause of a fire included in these proceedings.  
12                  Direct Action Plaintiffs and Subrogation Plaintiffs may seek liability discovery concerning the  
13                  origin and cause of each of the North Bay Fires; such as vegetation management, electrical  
14                  infrastructure and wildfire risk management.

15                  Prior to serving Defendants with liability discovery, Direct Action Plaintiffs and  
16                  Subrogation Plaintiffs have agreed to cooperate in good faith to coordinate such discovery.  
17                  Either the Individual Plaintiffs' Lead Counsel (on behalf of Direct Action Plaintiffs) or the  
18                  Subrogation Plaintiffs' Lead Counsel may serve discovery on Defendants. After liability  
19                  discovery is served on Defendants, regardless of which Plaintiff group was the serving party, the  
20                  Individual Plaintiffs' Lead Counsel (on behalf of Direct Action Plaintiffs) and the Subrogation  
21                  Plaintiffs' Lead Counsel shall collectively meet and confer with Defendants concerning  
22                  Defendants' discovery responses. Plaintiffs shall not serve duplicative or cumulative discovery  
23                  on Defendants.

25                  Should any Plaintiff or law firm after consultation with the Individual Plaintiffs' Lead  
26                  Counsel and the Subrogation Plaintiffs' Lead Counsel believe that they need to propound  
27                  liability discovery that has not been or will not be propounded by the Individual Plaintiffs' Lead

1 Counsel or the Subrogation Plaintiffs' Lead Counsel, such Plaintiff or law firm may seek an  
2 order from the Court allowing such discovery to be propounded. Otherwise, no Plaintiff may  
3 serve separate liability discovery.  
4

5 **2. By Defendants**  
6

7 Defendants will serve any liability discovery directed to any specific individual Plaintiff  
8 or the Subrogation Plaintiffs on Individual Plaintiffs' Lead Counsel, Subrogation Plaintiffs' Lead  
9 Counsel and counsel of record for the specific individual plaintiff(s). Where appropriate, the  
10 Direct Action Plaintiffs or Subrogation Plaintiffs will serve Defendants with a Master Response.  
11 To the extent such discovery relates to a specific Plaintiffs' group, Defendants may serve such  
12 discovery requests on Lead Counsel for each applicable Plaintiffs' group or, in the case of the  
13 Class Action Plaintiffs, the Committee, Lead Counsel or Committee shall similarly serve  
14 Defendants with a Master Response for such group.

15  
16 **Stage One: Damages Discovery**

17 **3. Subrogation Plaintiffs**

18 Damages discovery may be propounded to all Subrogation Plaintiffs in a Master Request  
19 to All Subrogation Plaintiffs. The Subrogation Plaintiffs will serve a Master Response to the  
20 Master Request to All Subrogation Plaintiffs, and each Subrogation Plaintiff will then serve an  
21 Adoption of the Master Response in Full or in Part. If the response adopts "in Part", the  
22 responding Subrogation Plaintiff will set forth any answers that are different from the Master  
23 Response in the Adoption. These Adoptions will be verified by each responding Subrogation  
24 Plaintiff.

25 The Subrogation Plaintiffs will set forth a list of claims for which they are seeking  
26 reimbursement. The Subrogation Plaintiffs will provide to Defendants an updated list of the  
27 names, addresses, dates of loss, claim numbers, the amounts paid by Subrogation Plaintiffs and

1 open reserves (as that information is available) as to each of the subrogated claims for which  
2 they are seeking reimbursement (hereinafter the "List of Claims") not later than June 30, 2018.  
3 The Subrogation Plaintiffs will provide an updated List of Claims at least on a quarterly basis, or  
4 more frequently as necessary to advise Defendants of additional payments made on any claims,  
5 and/or as reasonably requested by the Defendants. In any event, Subrogation Plaintiffs will  
6 provide a final List of Claims to Defendants on or before October 31, 2020 (prior to the statute of  
7 limitations), which will constitute the final list of claims to be included in the litigation.<sup>7</sup> The  
8 original and/or any amended adoption complaint filed by the Subrogation Plaintiffs will be  
9 deemed to set forth all of the information in the List of Claims provided to Defendants pursuant  
10 to this order. Any claims not disclosed by the Subrogating Plaintiffs on or before October 31,  
11 2020, will be barred by statute.

12 The parties agree that the Lists of Claims provided by the Subrogation Plaintiffs will not  
13 be admissible in evidence unless the Defendants later reach an agreement with the Subrogation  
14 Plaintiff that prepared the List of Claims that the List of Claims is admissible.

16 The Subrogation Plaintiffs will produce claim files on a rolling basis. The parties will  
17 meet and confer regarding a schedule and protective order to govern the production of claim files  
18 and will report back to the Court on this issue in the next joint CMC statement. The Subrogation  
19 Plaintiffs will continue to produce on a rolling basis any supplements to the claim files as  
20 required to update Defendants on any additional payments made on the claims following the  
21 production of the claim files. Defendants will also be notified of additional payments on any of  
22 the claims by the Subrogating Plaintiffs by the periodic production of an updated List of Claims.  
23 Claim files may be requested sooner for any Plaintiff claiming a preference or on a case-by-case  
24 basis, and Subrogation Plaintiffs will make every effort to produce such claim files within 15  
25 days of a request.

27 <sup>7</sup> This is not an implication that trials be delayed until after this date.

#### **4. Individual Plaintiffs**

Each individual plaintiff shall complete the Notice of Adoption of Master Complaint which contains specific facts regarding the case. All other damages case specific discovery is stayed including any written discovery, contention discovery, or deposition discovery until further order of the court and as contemplated by sections below relating to bellwether trial settings and preference trial settings.

## Privileged Communications

Pursuant to the parties' agreement, the communication, transmission, or dissemination of information of common interest among Plaintiffs' counsel or among Defendants' counsel shall be protected by the attorney-client privilege, the protections afforded by the attorney work product doctrine, the protections afforded to material prepared for litigation or any other privilege to which a party may otherwise be entitled. Further, cooperative efforts shall not in any way be used against any of the parties, be cited as purported evidence of conspiracy, wrongful action or wrongful conduct, and shall not be communicated to any jury.

## Trial

*Preferential Trial Settings:* The Plaintiffs anticipate that it may be appropriate to file motions for preferential trial settings per C.C.P. § 36.

*Bellwether Process:* The parties have agreed to meet and confer on the scope and procedure relating to any potential bellwether process, including a bellwether case selection process, case specific discovery and law and motion practice in bellwether and non-bellwether cases, if any, and the conduct of bellwether trials. The parties contemplate that if they agree upon a bellwether process, an order of this Court relating to the bellwether process will include: trial settings and the bellwether selection process, discovery and motion practice appropriate for

1 bellwether selected cases, and whether or not motion practice may be appropriate to cases  
2 outside of those selected as bellwethers.

4 *Jury or Non-Jury:* Plaintiffs demand jury trials.

5 *Trial Date:* Trial dates and length, and close of discovery dates will be set in future case  
6 management conferences.

8 *Place of Trial:* Complaints in this matter have been filed in the Superior Court of Napa,  
9 Sonoma, and San Francisco. Locations of trials are reserved for future consideration.

11 ***Pro Hac Vice Admissions:***

13 A number of counsel have been admitted *pro hac vice* in the underlying cases now  
14 coordinated in this JCCP. Such counsel are deemed admitted for all purposes in this JCCP and  
15 all current and future actions coordinated in this JCCP. Counsel not yet been admitted *pro hac*  
16 *vice* shall file his or her *pro hac vice* application with this Court.

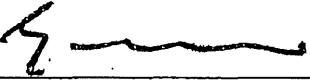
17 *Protective Order:* The parties are expected to present a proposed stipulated protective  
18 order within 30 days. I ask the parties to review the Department's User Manual especially on  
19 sealing issues, and to resist the urge to over-designate under the protective order.

21 **Next Case Management Conference**

23 A date will be selected for the next CMC at the May 18, 2018 hearing. In addition to  
24 issues noted above, the parties are invited to advise on (1) the status of a discovery plan,  
25 including discovery focused on e.g., (i) PG&E policies and actions and (ii) causes and  
26 circumstances of ignitions; (2) whether a cut-off date for the addition of new parties should be  
27 set (which could be avoided on a showing that new information supported leave of court to add

1 the party); a general description of the discovery required for meaningful settlement discussions,  
2 and the likely time needed to acquire it.  
3

4 Dated: March 6, 2018

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6 Curtis E.A. Karnow  
Judge Of The Superior Court

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1 **Addendum A – Individual Plaintiffs’ Executive Committee**

2 Individual Plaintiffs request that the Court appoint the following attorneys and firms to the  
3 Executive Committee:

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17     Scott Summy (**Lead for Public Entities**)  
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22     [ssummy@baronbudd.com](mailto:ssummy@baronbudd.com)

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1 **Addendum B – Individual Plaintiffs’ Steering Committee**

2 Individual Plaintiffs request that the Court create and name the following individuals to a  
3 Steering Committee:

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**CERTIFICATE OF ELECTRONIC SERVICE**  
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **MAR 6 - 2018**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated:

**MAR 6 - 2018**

T. Michael Yuen, Clerk

By:

DANIAL LEMIRE, Deputy Clerk